

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

IGOR ERIC KUVYKIN,

Case No. 18-10760 (JLG)

Debtor.
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**ORDER GRANTING CREDITOR WB KIRBY HILL, LLC'S MOTION ALLOWING
AND COMPELLING IMMEDIATE PAYMENT OF ADMINISTRATIVE EXPENSE**

Upon *Creditor WB Kirby Hill, LLC's Motion for Order Compelling Immediate Payment of Administrative Expense* dated August 3, 2018 [Dkt. No. ____] (the "**Motion**"), filed on behalf of WB Kirby Hill, LLC ("**WB Kirby**"), which seeks an order granting WB Kirby an allowed administrative expense claim for Igor Eric Kuvykin's (the "**Debtor**") use and occupancy of real property commonly known as 11 Mansion Hill Drive, Muttontown, New York 11791 ("**Property**"); and upon the declarations of Karen Sharf and Anthony Filosa, Esq. filed in support of the Motion [Dkt Nos. ____ and ____ respectively]; and a hearing on the Motion having been held on August 21, 2018 (the "**Hearing**"); and good and sufficient notice of the Motion and the Hearing having been given and no other further notice being required; and upon the full record of the Hearing; it is hereby found that:

A. On March 19, 2018 (the "**Petition Date**"), the Debtor commenced this current case, by filing a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "**Bankruptcy Code**").

B. The Property was sold to WB Kirby at a foreclosure sale conducted on March 20, 2018.

C. The Debtor has resided at the Property since the Petition Date and has refused to vacate the Property.

D. The Debtor has not compensated WB Kirby for Debtor's use and occupancy of the Property.

E. The Debtor's use and occupancy of the Property has benefited the Debtor's estate and creditors.

F. The cost of the Debtor's use and occupancy of the Property is an actual and necessary expense of the Debtor's estate.

G. The fair market rental value of the Property is \$25,000.00 per month; therefor

IT IS HEREBY ORDERED ADJUDGED AND DECREED:

1. The Motion is granted to the extent set forth herein.

2. Pursuant to Bankruptcy Code section 503(b), WB Kirby is granted an allowed administrative expense in the amount of \$25,000.00 per month for the Debtor's use and occupancy of the Property from March 20, 2018 through and including the date the Debtor surrenders possession of the Property to WB Kirby, free of all tenancies.

3. The Debtor is directed to pay WB Kirby \$125,806.45, which amount represents the outstanding administrative expense for the Debtor's use and occupancy of the Property from March 20, 2018 through and including the date of the Hearing, which payment shall be delivered so as to be received by WB Kirby within five (5) business days from the date of entry of this Order.

4. The Debtor is directed to pay WB Kirby \$8,064.52, which amount represents the allowed administrative expense for the Debtor's use and occupancy of the Property from the date after the Hearing through and including August 31, 2018 at a per diem rate of \$806.45, which payment shall be delivered so as to be received by WB Kirby on September 1, 2018.

5. The Debtor is directed to make monthly payments to WB Kirby of \$25,000.00, which amount represents the reasonable monthly rental value of the Property. Each monthly

payment shall be delivered so as to be received by WB Kirby the first day of each month (with the first such payment due on September 1, 2018) until such date that the Debtor surrenders possession of the Property to WB Kirby free of tenancies.

6. WB Kirby's rights are preserved to request allowance for additional administrative expenses in connection with the Property, including but not limited to administrative expenses for damage to the Property occurring after the Petition Date and the rights of all parties in interest are preserved to object to such request for allowance of administrative expense.

Dated: New York, New York
August _____, 2018

HON. JAMES L. GARRITY
UNITED STATES BANKRUPTCY JUDGE